

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TANA IHRIG and MARK IHRIG,

Plaintiffs,

V.

WASHINGTON MUTUAL BANK, *et al.*,

Defendants.

CASE NO. C06-0512RSM

ORDER DISMISSING
DEFENDANT BOUDREAU
AND STRIKING PENDING
MOTIONS

This matter comes before the Court on defendant Richard J. Boudreau & Associates, Inc.'s ("Boudreau") motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. (Dkt. #19). On April 12, 2006, plaintiffs filed the instant lawsuit, alleging claims for unlawful and tortious debt collection practices, unauthorized practice of law, and unfair credit reporting against Boudreau and seven other defendants. (Dkt. #1). Defendant Boudreau followed with a motion to dismiss, arguing that plaintiffs have failed to state a claim upon which relief can be granted because plaintiffs have failed to allege that they ever disputed any information reported to the credit agency by Boudreau. (Dkt. #19). The instant motion was noted for consideration on August 25, 2006. Plaintiffs have failed to respond.

Accordingly, having reviewed defendant Boudreau's Motion to Dismiss, and the remainder of the record, the Court does hereby find and ORDER:

ORDER
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1 (1) Defendant's Motion to Dismiss (Dkt. #19) is GRANTED, and plaintiffs' claims
2 against that defendant are DISMISSED with prejudice. This Court's Local Rules state that "[i]f
3 a party fails to file papers in opposition to a motion, such failure may be considered by the court
4 as an admission that the motion has merit." Local Rule CR 7(b)(2). Having reviewed the
5 record in this case, the Court finds no reason not to apply this rule. Defendant Boudreau, in a
6 separate motion for extension of time, asserts that the parties have settled in principle; however,
7 none of the parties have formally notified this Court of any such settlement, nor has defendant
8 Boudreau withdrawn this motion. (See Dkt. #46). Moreover, plaintiffs have failed to request,
9 or receive, any relief from responding to Boudreau's Motion to Dismiss. Therefore, the Court
10 finds dismissal appropriate.

11 (2) Defendant Boudreau's pending Motion to Withdraw (Dkt. #40) and Second Motion
12 for Extension of Time (Dkt. #46) are STRICKEN AS MOOT.

13 (3) Defendant Washington Mutual's Motion to Dismiss (Dkt. #22) REMAINS pending
14 for consideration on September 22, 2006.

15 (4) The Clerk is directed to forward a copy of this Order to all counsel of record.

16 DATED this 11 day of September 8, 2006.


RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

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